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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **LILI YANG, AKA LILI BEYER YANG**
322 Joyce Avenue
15 Arcadia, CA 91006

16 Registered Nurse License No. 515940

17 Respondent.
18

Case No. 2009-219

A C C U S A T I O N

19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 (Board), Department of Consumer Affairs.

24 2. On or about September 19, 1995, the Board issued Registered Nurse
25 License Number 515940 to Lili Yang, also known as Lili Beyer Yang (Respondent). The license
26 will expire on July 31, 2009, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

“(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.”

7. Section 2762 of the Code states:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

“(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section [any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device

1 as defined in Section 4022].”

2 8. Section 4022 of the Code states, in pertinent part:

3 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for
4 self-use in humans or animals, and includes the following:

5 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing
6 without prescription,’ ‘Rx only,’ or words of similar import.

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8 “(c) Any other drug or device that by federal or state law can be lawfully
9 dispensed only on prescription or furnished pursuant to Section 4006.”

10 **REGULATORY PROVISIONS**

11 9. California Code of Regulations, title 16 (Regulation), section 1442
12 states:

13 “As used in Section 2761 of the code, ‘gross negligence’ includes an extreme
14 departure from the standard of care which, under similar circumstances, would have ordinarily
15 been exercised by a competent registered nurse. Such an extreme departure means the repeated
16 failure to provide nursing care as required or failure to provide care or to exercise ordinary
17 precaution in a single situation which the nurse knew, or should have known, could have
18 jeopardized the client's health or life.”

19 10. Regulation section 1443.5 states:

20 “A registered nurse shall be considered to be competent when he/she consistently
21 demonstrates the ability to transfer scientific knowledge from social, biological and physical
22 sciences in applying the nursing process, as follows:

23 “(1) Formulates a nursing diagnosis through observation of the client's physical
24 condition and behavior, and through interpretation of information obtained from the client and
25 others, including the health team.

26 “(2) Formulates a care plan, in collaboration with the client, which ensures that
27 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and
28 protection, and for disease prevention and restorative measures.

1 “(3) Performs skills essential to the kind of nursing action to be taken, explains
2 the health treatment to the client and family and teaches the client and family how to care for the
3 client's health needs.

4 “(4) Delegates tasks to subordinates based on the legal scopes of practice of the
5 subordinates and on the preparation and capability needed in the tasks to be delegated, and
6 effectively supervises nursing care being given by subordinates.

7 “(5) Evaluates the effectiveness of the care plan through observation of the
8 client's physical condition and behavior, signs and symptoms of illness, and reactions to
9 treatment and through communication with the client and health team members, and modifies the
10 plan as needed.

11 “(6) Acts as the client's advocate, as circumstances require, by initiating action to
12 improve health care or to change decisions or activities which are against the interests or wishes
13 of the client, and by giving the client the opportunity to make informed decisions about health
14 care before it is provided.”

15 **COST RECOVERY PROVISION**

16 11. Section 125.3 of the Code provides, in pertinent part, that the Board may
17 request the administrative law judge to direct a licentiate found to have committed a violation or
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
19 and enforcement of the case.

20 **STATEMENT OF FACTS**

21 12. At all times herein mentioned, Respondent was employed at White
22 Memorial Medical Center (WMMC) in the emergency department in Los Angeles, California.

23 13. On or about June 2, 2005, at approximately 1230 hours, Patient A
24 presented to WMMC's emergency department with complaints of abdominal pain, headache,
25 nausea and vomiting. Respondent was the nurse assigned to Patient A's care. At 1400 hours, a
26 physician issued for Patient A a prescription for 30 mg. Toradol IV, 10 mg. Reglan, and 20 mg.
27 Pepcid (Famotidine). At 1425 hours, Respondent charted that she administered to Patient A 30
28 mg. Toradol IV, 5 mg. Reglan, and 20 mg. Pepcid (Famotidine). At approximately 1436 hours, a

1 code blue was called for Patient A after she was found non-responsive. Patient A was intubated
2 for respiratory support until she stabilized at approximately 1500 hours. Patient A was
3 subsequently admitted to WMMC's observation unit, where she remained until she was
4 discharged on June 4, 2005. On June 2, 2005, at the narcotic count at shift change at
5 approximately 1900 hours, a dose of Pavulon, a neuromuscular blocker and paralytic agent, was
6 found missing, and there was an extra dose of Pepcid.

7 **FIRST CAUSE FOR DISCIPLINE**

8 (Gross Negligence)

9 14. Respondent is subject to disciplinary action under section 2761,
10 subdivision (a)(1) of the Code on the grounds of unprofessional conduct, in that Respondent
11 committed acts of gross negligence within the meaning of Regulation sections 1442 and 1443.5,
12 involving the treatment of Patient A, as follow:

13 a. On or about June 2, 2005, Respondent failed to administer 10 mg. of
14 Reglan, as prescribed.

15 b. On or about June 2, 2005, Respondent failed to administer Pepcid, as
16 prescribed, and instead administered Pavulon, a neuromuscular blocker and paralytic agent,
17 causing respiratory failure and mental and physical trauma to Patient A.

18 Complainant refers to and incorporates all of the allegations in paragraphs 12 and
19 13, as though set forth fully.

20 **SECOND CAUSE FOR DISCIPLINE**

21 (Falsified or Grossly Incorrect Entry in Hospital Record)

22 15. Respondent is subject o disciplinary action under sections 2761 and 2762,
23 subdivision (e) of the Code on the grounds of unprofessional conduct, in that Respondent
24 falsified or made a grossly incorrect entry in a hospital record as follows:

25 a. On or about June 2, 2005, Respondent charted that she had administered
26 to Patient A 20 mg. of Pepcid when instead she had administered a different drug, Pavulon.

27 Complainant refers to and incorporates all of the allegations in paragraphs 12
28 through 14, inclusive, as though set forth fully.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 16. Respondent is subject to disciplinary action under section 2761,
4 subdivision (a)(1) of the Code on the grounds of unprofessional conduct, in that on or about June
5 5, 2005, Respondent committed acts of unprofessional conduct involving the treatment of Patient
6 A. Complainant refers to and incorporates all of the allegations in paragraphs 12 through 15,
7 inclusive, as though set forth fully.

8 **PRAYER**


9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 515940,
12 issued to Lili Yang, also known as Lili Beyer Yang;

13 2. Ordering Lili Yang, also known as Lili Beyer Yang, to pay the Board of
14 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
15 pursuant to Business and Professions Code section 125.3; and

16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 3/23/09

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20 
21 RUTH ANN TERRY, M.P.H., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant
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